

**STATEMENT OF CARL BLAKE**  
**NATIONAL LEGISLATIVE DIRECTOR**  
**PARALYZED VETERANS OF AMERICA**  
**BEFORE THE**  
**HOUSE COMMITTEE ON VETERANS' AFFAIRS,**  
**SUBCOMMITTEE ON DISABILITY ASSISTANCE AND**  
**MEMORIAL AFFAIRS**  
**CONCERNING**  
**H.R. 67, THE "VETERANS OUTREACH IMPROVEMENT ACT OF 2007," H.R.**  
**1435, THE "DEPARTMENT OF VETERANS AFFAIRS CLAIMS BACKLOG**  
**REDUCTION ACT OF 2007," H.R. 1444, AND H.R. 1490**

**APRIL 17, 2007**

Chairman Hall, Ranking Member Lamborn, members of the Subcommittee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to testify today on H.R. 67, the “Veterans Outreach Improvement Act of 2007,” H.R. 1435, the “Department of Veterans Affairs Claims Backlog Reduction Act of 2007,” H.R. 1444, a bill authorizing the Secretary of Veterans Affairs to make interim benefit payments under certain remanded claims, and H.R. 1490, a bill authorizing the Secretary of Veterans Affairs to provide for a presumption of service-connection for certain claims for benefits. PVA is extremely supportive of your effort to address the ever-growing problem of the backlog of claims for benefits.

**H.R. 67, the “Veterans Outreach Improvement Act of 2007”**

PVA supports the Committee’s effort to inform more veterans about the benefits that are available to them and their families. With this financial assistance from the VA in the form of grants, states can review their outreach programs and enhance or update those efforts that have been neglected through the years.

Many states have used the internet to list general information about their respective departments of veterans’ affairs. However, tight budgets have kept states from constantly updating information and keeping it fresh. These sites could be enhanced to become a better resource for today’s veteran. Many younger veterans understand this type of media better and are much more likely to use it, as opposed to standard print information. State websites could interact with the divisions of employment to list current employment opportunities for veterans. Veterans could also access information about benefits.

Internet access in conjunction with CD's and DVD's offers states an inexpensive method to distribute a large amount of information to the veterans. VA grants could also be used to produce videos describing veterans programs and how to contact the local state office. Informational public service announcements could likewise be circulated to community cable providers.

Production of current brochures that summarize veterans' benefits provided by a state would also be a positive use of additional funding. This could include the locations and phone numbers for that state's service offices. The updated informational brochures could be made available at some federal offices, state offices, including the employment office, and county offices. This would represent constructive use of a grant from the VA. Some states have reduced the budget for this type of outreach as their departments of veterans' affairs are a lower priority than state mandatory programs.

The VA's Readjustment Counseling Service has operated community-based facilities, called Vets Centers, since 1979. Currently the VA maintains 209 Vets Centers in all 50 states, and the District of Columbia. These centers provide psychological counseling for war-related trauma, community outreach, case management and referral activities. In 2007 and 2008, the VA will open 23 more Vets Centers across the nation. PVA supports the expansion of this program with the hope that the program will be integrated into the support network for veterans, thereby enhancing outreach at the local level.

Successful outreach has also been achieved in several states that have sponsored a program called the “Supermarket of Veterans Benefits.” This program started in Georgia more than 20 years ago and has been duplicated in Wisconsin and Missouri. The goal is to bring all resources that can help veterans together in one location for one day. The participants include all veterans’ service organizations, state and county veterans service officers, state employment personnel, and VA benefits and health care personnel. The program is organized through the state’s veteran’s affairs office. The announcement of the event is sent to veterans’ service organizations, federal government offices, state and county government offices, including employment offices, National Guard and Reserve locations and newspapers. Georgia has used National Guard facilities for the event, which has been successful in attracting current and retired Guard and Reserve members. The convenience for a veteran to receive information on the full range of available programs including healthcare, home loans, educational benefits, or other supports, has proven successful.

**H.R. 1435, the “Department of Veterans Affairs Claims Backlog Reduction Act of 2007”**

PVA supports the intention of the bill to help the VA further address the unprecedented backlog of claims for benefits. This pilot program would allow six states to use their county service officers to develop the claim for the veteran and submit it to the VA. The county veterans’ service officer can currently gather the information, develop the claim, and present it to the VA for submission. This program will enhance their ability to play a vital role in helping the VA prepare a claim for rating. They are uniquely positioned to

obtain evidence from local sources. However, the VA is better able to obtain such evidence as service medical records (SMRs) and Social Security records. VA employees are provided clear instructions on how to electronically obtain such records, and only with experience can one develop the skills necessary to become effective in developing that type of evidence. In some situations county service officers may need more training to properly complete a claim.

PVA currently has 66 veterans' service offices staffed by 135 personnel in the field. These are full time employees of the national organization. PVA invests 18 months of training to develop its service officers. The program involves successful completion of training manuals, tests that accompany the manuals, and working with a senior service officer. PVA conducts ongoing regional training as well as participation in VA training at the local level. This allows PVA service officers to be familiar with the training of VA personnel and also permits valuable interaction with VA claims processors and other staff to identify issues they are seeing from outside of the VA. This pilot program proposed by this legislation could be a component to help alleviate the backlog. However, success will be determined by continued training and commitment of the county service officers, similar to the time and energy that PVA puts into its own service officer program.

Additionally, Congress should focus its attention on fully implementing "Virtual VA." This would allow raters, adjudicators, and all service officers (for the cases with Power-Of-Attorney on file and for personnel trained and certified in privacy and security of

records), to have electronic access to the electronic VA file, VA medical center records, and SMRs. This will help alleviate the paper chase that currently takes place.

#### **H.R. 1490 (Presumption of Service-Connection)**

PVA does not support the idea of presumption of service-connectedness for submitted claims. It would require the VA to adjudicate a new benefit, the “interim award”, rather than focusing their resources on properly completing the initial claim. If the service connection is reasonably allowable, the regulations provide for a prestablization rating (38 C.F.R. § 4.28) at a 50% or 100% rate for recently returned veterans. One year later the veteran is examined and evaluated. Unfortunately, this regulation is rarely used.

Even if the veteran thought that they may be asked to pay the money back to the VA in three or four years, some veterans may still file an unsubstantiated claim. The long and frustrating process of filing a claim for compensation does not discourage some veterans from filing fraudulent claims. We believe that if Congress lowers this initial threshold, the results will be an overwhelming number of claims filed for compensation.

#### **H.R. 1444 (Interim Payments Following Remand)**

Although this is an effort to address the tremendous backlog of claims, this legislation would simply add to the workload. The bill, states that if the final decision is not to award benefits, the amounts paid as interim benefits shall not be considered to be overpayment for any purpose. This policy would encourage veterans to file frivolous claims—inflated claims that would further slow the process down. Furthermore, this

would create a potential enormous cost to the VA if it is forced to pay for claims that ultimately will be denied. Resources can be better used by improving the system rather than offering free money to everyone filing a claim, regardless of its legitimacy.

PVA believes that a major reason for the current delay is caused by the regional office not producing the proper documentation in the beginning. There is no incentive for the VA regional office to completely develop a claim prior to denial and certification to the Board of Veterans Appeal. It has been documented by a quality review team that 30% of the remanded appeals were caused by the regional office not complying with existing instructions regarding development of the evidence. Some claims are returned two or three times before being accepted. In developing the claim, VA regional offices do not follow the instructions for development of evidence as explained in the VA instruction manual for adjudication procedure.

In the end, we believe that many of the problems in the Veterans Benefits Administration are centered on proper training and accountability. Without uniform training across all of VBA on the standards established in regulations, problems will continue to arise and the claims backlog will continue to grow. Furthermore, it is absolutely essential that VBA personnel at all levels be held accountable for their own actions and the actions of their subordinates. Although we continue to advocate for adequate resources and additional staff, these steps will not go far enough if training and accountability are not a major component. Similarly, we recognize that veterans' service organizations have a commensurate obligation to properly train and supervise their personnel.

Mr. Chairman, PVA recognizes that the challenge that this subcommittee faces in trying to properly address the claims backlog is enormous. We look forward to working with the subcommittee and all of Congress to find workable solutions for what has become a national problem for current veterans and new veterans returning from Iraq and Afghanistan. However, we must ensure that short-term fixes do not lead to long-term problems.

Thank you for again for allowing us to testify. I would be happy to answer any questions that you might have.



**Information Required by Rule XI 2(g)(4) of the House of Representatives**

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

**Fiscal Year 2006**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation  
— National Veterans Legal Services Program— \$244,611 (estimated).

**Fiscal Year 2005**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation  
— National Veterans Legal Services Program— \$193,019.

Paralyzed Veterans of America Outdoor Recreation Heritage Fund – Department of  
Defense –  
\$1,000,000.

**Fiscal Year 2004**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation  
— National Veterans Legal Services Program— \$246,541.

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Carl Blake is the National Legislative Director for Paralyzed Veterans of America (PVA) at PVA's National Office in Washington, D.C. He is responsible for the planning, coordination, and implementation of PVA's relations with the United States Congress and federal departments and agencies. He develops and executes PVA's Washington agenda in areas of budget, appropriations, health care, and veterans' benefits issues. He also represents PVA to federal agencies including the Department of Defense, Department of Labor, Small Business Administration, and the Office of Personnel Management.

Carl was raised in Woodford, Virginia. He attended the United States Military Academy at West Point, New York. He received a Bachelor of Science Degree from the Military Academy in May 1998.

Upon graduation from the Military Academy, he was commissioned as a Second Lieutenant in the Infantry in the United States Army. He was assigned to the 504<sup>th</sup> Parachute Infantry Regiment (1<sup>st</sup> Brigade) of the 82<sup>nd</sup> Airborne Division at Fort Bragg, North Carolina. He graduated from Infantry Officer Basic Course, U.S. Army Ranger School, U.S. Army Airborne School, and Air Assault School. His awards include the Army Commendation Medal, Expert Infantryman's Badge, and German Parachutist Badge. Carl retired from the military in October 2000 due to injuries suffered during a parachute operation.

Carl is a member of the Virginia-Mid-Atlantic chapter of the Paralyzed Veterans of America.

Carl lives in Fredericksburg, Virginia with his wife Venus, son Jonathan and daughter Brooke.